

COUNTY OF LOS ANGELES

CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

September 7, 2005

MEMBERS OF THE BOARD

Curtis Morris
City Council Member
Mark R. Alexander
City Manager
Margaret Finlay
City Council Member
Jerome Groomes
City Manager
Susan Dever
City Council Member
Sam Olivito
California Contract
Cities Association

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Kelly Allen and Dale Crockett v. County of Los Angeles
Lancaster Superior Court Case Nos. MC 011 650 and MC 012 005

Dear Supervisors:

The Contract Cities Liability Trust Fund Claims Board recommends that:

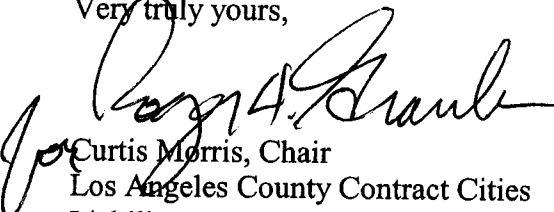
1. The Board authorize settlement of the above-entitled action in the amount of \$430,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department - Contract Cities Liability Trust Fund - Lancaster.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report by the Sheriff's Department is being transmitted to you under separate cover.

Return the executed, adopted copy to Georgene Salisbury, Suite 648
Kenneth Hahn Hall of Administration, Extension 4-9910.

Very truly yours,


Curtis Morris, Chair
Los Angeles County Contract Cities
Liability Trust Fund Claims Board

CM/gs

Enclosures

MEMORANDUM

July 21, 2005

TO: THE COUNTY OF LOS ANGELES CONTRACT CITIES
LIABILITY TRUST FUND CLAIMS BOARD

FROM: MARK WODIN
Law Offices of Marc Wodin

ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Division

RE: Kelly Allen and Dale Crockett v. County of Los Angeles
Lancaster Superior Court Case Nos. MC 011650 and MC 012005

DATE OF
INCIDENT: February 27, 2000

AUTHORITY
REQUESTED: \$430,000

COUNTY
DEPARTMENT: Sheriff's Department - City of Lancaster

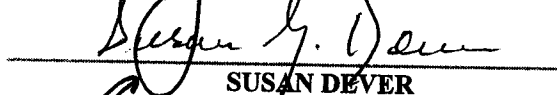
CLAIMS BOARD ACTION:

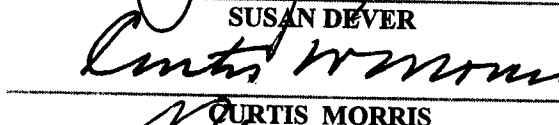
☐ Approve

☐ Disapprove

☒ Recommend to Board of
Supervisors for Approval


MARGARET FINLAY, City Council Member


SUSAN DEVER, City Council Member


CURTIS MORRIS, City Council Member


~~DENNIS COURTEMARCHE~~, City Manager


MICHAEL EGAN, City Manager


JEROME GROOMES, City Manager


MARK ALEXANDER, City Manager


SAM OLIVITO, California Contract Cities Association

on 9-7, 2005

SUMMARY

This is a recommendation to settle for \$430,000 the consolidated lawsuits filed by Kelly Allen and Dale Crockett, who were injured when they were crossing the street and were struck by a Sheriff's Department patrol car.

LEGAL PRINCIPLE

A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

On February 27, 2000, at approximately 8:00 p.m., a Sheriff's Deputy on patrol in the City of Lancaster was making a left-hand turn from eastbound Lancaster Boulevard to northbound Sierra Highway. Kelly Allen and Dale Crockett were running across Sierra Highway in the crosswalk, when Ms. Allen was struck by the Sheriff's patrol car, which was traveling at approximately 10 miles-per-hour. The Sheriff's Deputy did not see Ms. Allen or Mr. Crockett enter the crosswalk.

The subsequent traffic investigation found that Ms. Allen and Mr. Crockett entered the intersection against a "Do Not Walk" sign, and were the cause of the collision.

Ms. Allen sustained a fracture to her left femur, an avulsion and hematoma to her left eye and various abrasions and bruises. She is also claiming a brain injury, which the County disputes. She underwent an internal fixation surgery, during which pins were used to repair her leg. She had a subsequent surgery to remove the pins.

Mr. Crockett, who initially admitted that he was not struck by the patrol car, has since claimed that he was, and alleges that he has suffered soft tissue injuries to his neck and back.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Ms. Allen's medical expenses	\$ 150,000
Ms. Allen's pain and suffering	\$ 500,000
Ms. Allen's loss of earning capacity	\$ 100,000
Mr. Crockett's medical expenses	\$ 17,000
Mr. Crockett's pain and suffering	<u>\$ 100,000</u>
Total	<u>\$ 867,000</u>

The settlement calls for the County to pay \$425,000 to Kelly Allen and \$5,000 to Dale Crockett for all of their claims for damages, costs and attorney's fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

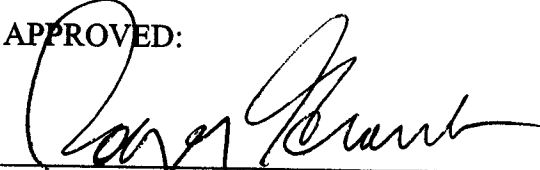
Ms. Allen and Mr. Crockett's settlement demand was \$3 million until this settlement was reached on the eve of trial. Our attorney was forced to fully prepare the case for trial, and retain nine experts to testify at trial. The experts included an orthopedist, a neurologist, a neuropsychologist, a psychiatrist and an accident reconstructionist, among others, to counter the experts designated by Ms. Allen and Mr. Crockett. Each expert had to be prepared for deposition and trial, and the medical experts conducted examinations of Ms. Allen to determine the nature and extent of her injuries. Expenses incurred by the County in defense of this matter are attorney's fees of \$113,106 and \$195,314 in costs.

EVALUATION

Notwithstanding the conclusion of the traffic investigator that Ms. Allen and Mr. Crockett were the cause of the collision, we view this case as one of comparative liability. A jury is likely to conclude that the Sheriff's Deputy was partially responsible for the accident for not seeing Ms. Allen and Mr. Crockett in the crosswalk prior to the collision.

We join with our third-party administrator, Carl Warren and Company, and our private counsel, Law Offices of Marc Wodin, in recommending a settlement of this matter in the amount of \$430,000. The Sheriff's Department concurs in this settlement recommendation.

APPROVED:



ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Division

RHG:scr